

Laws of His Majesty's Province of Upper-Canada; Passed in the Fourth Session of the Provincial Parliament of Upper Canada, Met at Newark, on the Sixth Day of July, in the Thirty-Fifth Year of the Reign of our Sovereign Lord George the Third (1795). Niagara: Gideon Tiffany, Printer to the King's Most Excellent Majesty, 1795.

35 George III – Chapter 1

An Act to regulate the Practice of Physic and Surgery.

Whereas many inconveniencies have arisen to his majesty's subjects in this province, from unskilful persons practising physic and surgery therein: Therefore, be it enacted by the king's most excellent majesty, by and with the advice and content of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the parliament of Great-Britain, entitled an Act to repeal certain parts of an Act passed in the fourteenth year of his majesty's reign, entitled, "An Act for making more effectual provision for the government of the province of Quebec, in North-America, and to make further provision for the government of the said province," and by the authority of the same, That no person who shall or may have come into this province since the passing of the abovementioned Act, and before the passing of this Act, nor any person who shall or may hereafter come into this province, shall be permitted to vend, sell or distribute medicines by retail, or prescribe for sick persons, or practise physic, surgery or midwifry within the province for profit, until such person or persons shall be duly examined and approved of, by a board of surgeons who shall be constituted and appointed (as herein after mentioned) with full powers to grant licences for the practice of physic, surgery and midwifry within the province, and has received a licence under the hands and seals of the president of the said board and such members thereof as may be present at his or their examination.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the governor, lieutenant governor, or person administering the government of this province, by licence under his hand and seal, to order and appoint the surgeon of his majesty's hospital for the time being, together with the surgeons of his majesty's regiments doing duty within the province, and all other surgeons and practitioners resident within the same, authorized to practise physic and surgery by some lawfully constituted power or board in his majesty's dominions, or any two of them (of which the surgeon of his majesty's hospital shall be one) from time to time, and as often as occasion may require, to hear and examine all persons that may apply for a licence to practise physic, surgery and midwifery, or either, within the said province; who shall when they have examined and approved of any person so applying as aforesaid, grant him such licence under their hands and seals, for which licence he shall pay the sum of two pounds lawful money and no more.

III. And be it further enacted by the authority aforesaid, That if any person having come into this province since the passing of the said act in the thirty-first year of his majesty's reign, and before the passing of this act; or shall come into it after the passing of the same,

shall vend, sell or distribute medicines by retail, or prescribe for sick persons, or practise physic or surgery as aforesaid, until such person shall be duly examined and licenced by two or more members of the said board, constituted and appointed as aforesaid; such person shall for every offence forfeit and pay the sum of ten pounds to be recovered in any of his majesty's courts of this province, by action of debt, bill, plaint or information, wherein no essoin, privilege, protection or wager of law shall be allowed, and only one imparlance; a moiety whereof shall be given to the informer, and the other moiety paid into the hands of the receiver general of this province to and for the life of his majesty, his heirs and successors, and to and for the use of this province and the support of the civil government thereof, to be accounted for to his majesty, through the commissioners of his treasury for the time being, in such manner and form as it shall please his majesty to direct.

IV. Provided always, That nothing in this act shall extend, or be construed to extend to any person who shall have taken a degree in any university in his majesty's dominions, or to any person who shall have been or may hereafter be commissioned or warranted as surgeon or surgeon's mate in his majesty's army or navy, or to any person vending, selling or distributing drugs or compound medicines, for which a patent hath been obtained, or to any other who shall or may have been settled and shall or may have practised physic, surgery or midwifery within this province before the passing of the said Act, in the thirty-first year of his majesty's reign as aforesaid; provided that such person last abovementioned, do not take an apprentice or person under pretence of tuition in any branch of physic or surgery, with an intent that such person shall present himself for examination and approval as aforesaid: hereby repealing all former acts or ordinances made for the regulation of the practise of physic or surgery within this province.